

AGING, DEPARTMENT ON[17]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 231.23 and 17A.3, the Iowa Department on Aging hereby gives Notice of Intended Action to amend Chapter 7, “Area Agency on Aging Service Delivery,” Iowa Administrative Code.

The proposed amendments make the following changes:

1. Area agencies on aging will utilize the most current Dietary Guidelines for Americans when determining meal content as provided by nutrition service providers.
2. Area agencies on aging will be allowed flexibility to plan menus using a current diet manual that is chosen by the area agency on aging and approved by the Department. Currently, area agencies on aging are mandated to use a specific diet manual provided by the Department.
3. Area agencies on aging will be allowed flexibility to provide notification of the opening, relocation, or termination of a nutrition site within 30 days. Currently, area agencies on aging are mandated to provide notification of these events 30 days prior to the occurrence of the event. It is often impossible for area agencies on aging to comply with this notification requirement.

Any interested person may make written suggestions or comments on the proposed amendments on or before January 2, 2013. Such written comments or suggestions should be directed to Kimberly Murphy, Iowa Department on Aging, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kimberly.murphy@iowa.gov.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 231.

The following amendments are proposed.

ITEM 1. Amend subrule 7.14(1) as follows:

7.14(1) Each meal served by the nutrition services provider, whether at a congregate meal site, home-delivered or elsewhere, must comply with the current Dietary Guidelines for Americans, published by the Secretary of Health and Human Services and the Secretary of Agriculture, and provide to each participating older individual:

- a. A minimum of 33 1/3 percent of the RDA/AI as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the program provides one meal per day;
- b. A minimum of 66 2/3 percent of the allowances if the program provides two meals per day; and
- c. One hundred percent of the allowances if the program provides three meals per day.

ITEM 2. Amend rule 17—7.18(231) as follows:

17—7.18(231) Special dietary needs. The AAA shall ensure that special dietary needs of program participants are met where feasible and appropriate, including the particular requirements arising from the health, religious, or ethnic backgrounds of eligible participants.

7.18(1) The following criteria shall be used to determine feasibility and appropriateness:

- a. Sufficient numbers of older individuals who have special dietary needs exist to make the provision practical;
- b. Skills and food necessary to provide the special menus are available.

7.18(2) Special dietary and therapeutic menus must be planned under the supervision of a licensed dietitian in accordance with a current diet manual approved by the ~~director and supplied to each AAA~~

by the department. Certified menus must be submitted to the department at least two weeks prior to the initial use of the menus.

7.18(3) A written physician's order for each older individual requesting a therapeutic diet shall be obtained prior to the older individual's receipt of the meal and kept on file where the meal is prepared and served. The order shall be interpreted by a licensed dietitian and the individual's physician.

ITEM 3. Amend rule 17—7.23(231) as follows:

17—7.23(231) Requirements for opening or closing congregate nutrition sites. The AAA shall notify the department ~~in writing at least~~, via electronic mail or other written notification, within 30 days ~~prior to~~ of the AAA's opening, relocating, or terminating a nutrition site. The notification must include:

1. Reasons for the action;
2. Impact on eligible individuals;
3. Impact on nearby meal sites; and
4. Impact on provision of nutrition-related services.